



## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

**[A-475-838]**

#### **Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from Italy:**

#### **Preliminary Results of the Administrative Review of the Antidumping Duty Order and**

#### **Preliminary Determination of No Shipments; 2020-2021**

**AGENCY:** Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that sales of certain cold-drawn mechanical tubing of carbon and alloy steel (cold-drawn mechanical tubing) from Italy have not been made at less than normal value (NV) during the period of review (POR) June 1, 2020, through May 31, 2021. We also determine that one exporter had no shipments of cold-drawn mechanical tubing to the United States during the POR. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**FOR FURTHER INFORMATION CONTACT:** Whitley Herndon, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-6274.

**SUPPLEMENTARY INFORMATION:**

## Background

On June 11, 2018, Commerce published the antidumping duty order on cold-drawn mechanical tubing from Italy.<sup>1</sup> On August 3, 2021, Commerce initiated an administrative review of the antidumping duty order on cold-drawn mechanical tubing from Italy, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).<sup>2</sup> This administrative review covers two producers/exporters of the subject merchandise.<sup>3</sup> However, as discussed below, we preliminary find that one of these producers/exporters, Metalfer SpA (Metalfer), had no entries of subject merchandise into the United States during the POR. Pursuant to section 751(a)(3)(A) of the Act, Commerce extended the preliminary results by 120 days, until June 30, 2022.<sup>4</sup>

For details regarding the events that occurred subsequent to the initiation of the review, *see* the Preliminary Decision Memorandum.<sup>5</sup> A list of topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum is available at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

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<sup>1</sup> *See Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China, the Federal Republic of Germany, India, Italy, the Republic of Korea, and Switzerland: Antidumping Duty Orders; and Amended Final Determinations of Sales at Less Than Fair Value for the People's Republic of China and Switzerland*, 83 FR 26962 (June 11, 2018) (*Order*).

<sup>2</sup> *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 41821 (August 3, 2021).

<sup>3</sup> *Id.*

<sup>4</sup> *See* Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review, 2020-2021," dated February 1, 2022.

<sup>5</sup> *See* Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from Italy; 2020-2021," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

### Scope of the Order

The products covered by this order are certain cold-drawn mechanical tubing of carbon and alloy steel from Italy. For a full description of the scope, *see* the Preliminary Decision Memorandum.

### Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum.

### Preliminary Determination of No Shipments

On August 4, 2021, Commerce released U.S. Customs and Border Protection (CBP) data and allowed parties to comment.<sup>6</sup> The CBP data indicated that Dalmine S.p.A. (Dalmine) was the only respondent under review that had entries during the POR. Although Metalfer timely provided comments stating that it made a sale of subject merchandise during the POR,<sup>7</sup> it was unable to demonstrate, at Commerce's request, that it had an associated POR entry.<sup>8</sup> Based on the foregoing, Commerce preliminarily determines that Metalfer did not have any reviewable

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<sup>6</sup> *See* Memorandum, "Release of U.S. Customs and Border Protection Data Query," dated August 4, 2021.

<sup>7</sup> *See* Metalfer's Letter, "Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from Italy: Comments on CBP Data," dated August 10, 2021.

<sup>8</sup> *See* Metalfer's Letter, "Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from Italy: Response to Request for Documentation," dated September 1, 2021.

entries during the POR. For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Consistent with Commerce's practice, we are not preliminarily rescinding the review with respect to Metalfer but, rather, we will complete the review with respect to Metalfer and issue appropriate instructions to CBP based on the final results of this review.

#### Preliminary Results of the Review

We preliminarily determine that the following weighted-average dumping margin exists for the period June 1, 2020, through May 31, 2021:

<b>Exporter/Producer</b>	<b>Weighted-Average Dumping Margin (percent)</b>
Dalmine S.p.A.	0.00

#### Assessment Rates

Upon completion of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. If Dalmine's weighted-average dumping margin is not zero or *de minimis* (*i.e.*, less than 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is not zero or *de minimis*. If Dalmine's weighted-average dumping margin is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the

assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.<sup>9</sup>

For entries of subject merchandise during the POR produced by Dalmine or Metalfer for which that company did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at 47.87 percent, the all-others rate established in the less-than-fair-value (LTFV) investigation,<sup>10</sup> if there is no rate for the intermediate company(ies) involved in the transaction.<sup>11</sup>

We intend to issue liquidation instructions to CBP 35 days after publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

#### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Dalmine in the final results of review will be equal to the weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which they were reviewed; (3) if the exporter is not a firm covered in this review or the original investigation but the producer is, then the cash deposit rate will be the rate established for the most recently

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<sup>9</sup> See section 751(a)(2)(C) of the Act.

<sup>10</sup> See *Order*.

<sup>11</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

completed segment of this proceeding for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 47.87 percent,<sup>12</sup> the all-others rate established in the LTFV investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Disclosure and Public Comment

We intend to disclose the calculations performed to parties within five days after public announcement of the preliminary results.<sup>13</sup> Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.<sup>14</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.<sup>15</sup> Executive summaries should be limited to five pages total, including footnotes. Case and rebuttal briefs should be filed using ACCESS<sup>16</sup> and must be served on interested parties.<sup>17</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>18</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of

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<sup>12</sup> See *Order*.

<sup>13</sup> See 19 CFR 351.224(b).

<sup>14</sup> See 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

<sup>15</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>16</sup> See *generally* 19 CFR 351.303.

<sup>17</sup> See 19 CFR 351.303(f).

<sup>18</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.

#### Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

#### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

#### Notification to Interested Parties

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: June 30, 2022.

**Ryan Majerus,**

*Deputy Assistant Secretary*

*for Policy and Negotiations.*

## **Appendix**

### **List of Topics Discussed in the Preliminary Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Preliminary Determination of No Shipments
- V. Discussion of the Methodology
- VI. Currency Conversion
- VII. Recommendation

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